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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/753,844
Filing Date: January 03, 2001
Appellant(s): MEYERS ET AL.

Cory C. Davis
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/09/2008 appealing from the Office action mailed 04/04/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,595,859	Lynn	7-2003
5,996,011	Humes	11-1999
6,895,111	Swift	5-2005
6,781,608	Crawford	8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 14-15, 19-23, 25-28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859), Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), and Crawford (U.S. Pat. No. 6,781,608).

Per claim 1, Lynn teaches a system for providing discretionary viewing control in displaying data, comprising:

a display for displaying data, the display comprising a plurality of pixels (col. 1, lines 50-53; col. 4, lines 63-67; col. 5, lines 15-30) and

an integrated circuit in connection with said display for processing said data (col. 4, lines 53-62), wherein, for each of the plurality of pixels, said data comprises at least first and second portions of data that are linked together, the first portion including payload data (fig. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-30) and the second portion including metadata (fig. 3; col. 1, lines 50-67), wherein said payload data comprises content for the pixel (fig. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-30) and said metadata comprises a value selected from a predefined set of values which classified the pixel independently for other pixels (fig. 3; col. 1, lines 50-67; col. 3, lines 14-25; col. 4, lines 10-24), whereby, because each of the pixels are individually classified according to a particular metadata value selected from the predefined set of values, said integrated circuit is able to perform operation on individuals pixels based on their metadata (fig. 3; col. 1, lines 50-67; col. 3, lines 14-25; col. 4, lines 10-24).

Lynn does not specifically teach said data is image data, and a filter for obscuring the content of only a plurality of pixels that has a metadata value that exceeds a discretionary

threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value. However, Humes teaches a filter for blocking the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value (col. 2, lines 56-63; col. 3, lines 1-8; col. 4, lines 55-58). Swift teaches said data is image data, and a filter for detecting the content of a plurality of pixels that has a metadata value that exceeds a discretionary threshold value (figs. 2 and 3; image file analysis 160; col. 3, lines 10-47). Crawford teaches technique for obscuring the content of the image data (col. 1, lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Humes, Swift and Crawford in the invention of Lynn in order to allow the user to download and view only the portions of the web page which are not objectionable, to provide a provide a method for evaluating a graphic image for the presence of objectionable visual content, and to provide a blurred view of data content that is objectionable.

Claim 3 is rejected under the same rationale as claim 1.

Claim 14, is rejected under the same rationale as claim 1.

Per claim 15, Lynn teaches the data frame of claim 14, wherein the content comprises multiple channels of content (col. 1, lines 43-50; col. 5, lines 22-30).

Claim 19 is rejected under the same rationale as claim 1.

Per claim 20, Lynn teaches the system of claim 19, wherein the processing means comprises hardware, software and/or firmware (fig. 1b; col. 3, lines 43-65).

Per claim 21, Lynn teaches the system of claim 19, wherein the processing means comprises a graphic board, a browser of markup language documents, and/or an email program (figs. 2 and 3; col. 5, lines 43-65; col. 4, lines 20-24 and lines 39-45).

Per claim 22, Lynn teaches the system of claim 19, wherein the particular categories comprises violent content, pornographic content, and advertisements (figs. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-26).

Claim 23 is rejected under the same rationale as claim 2.

Per claim 25, Crawford teaches wherein obscuring the content of only a plurality of pixel comprises at least one of blurring, scrambling, and displaying the pixels as black, showing only silhouette (fig. 10A; col. 1, lines 35-40).

Claim 26 is rejected under the same rationale as claim 25.

Claim 27 is rejected under the same rationale as claim 25.

Claim 28 is rejected under the same rationale as claim 25.

Claim 29 is rejected under the same rationale as claim 1.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859), Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), Crawford (U.S. Pat. No. 6,781,608) and Reilly (U.S. Pat. No. 6,580,422).

Per claim 5, the modified Lynn teaches the method of claim 3, but does not teach wherein the display is a display on a wireless terminal, and the step of supplying image data to the display comprises supplying said image data to the display on the wireless terminal. However, Reilly teaches the display is a display on a wireless terminal, and the step of supplying data to the display comprises supplying said data to the display on the wireless terminal (col. 2, lines 1-10

and lines 23-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the wireless computer as taught by Reilly in the invention of the modified Lynn in order to provide users with transfer of display information to a remote computer through a wireless data link.

Claims 16-17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859) in view of Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), Crawford (U.S. Pat. No. 6,781,608) and Blumenau (U.S. Pat. No. 6,108,637).

Per claim 16, the modified Lynn teach the system of claim 1, but does not teach wherein the integrated circuit comprises means for displaying a display metric, said display metric being the result of multiplying the number of pixels having certain metadata value by the amount of time the pixels are visible on the display. However Blumenau teaches the integrated circuit comprises means for displaying a display metric, said display metric being the result of multiplying the number of pixels having certain metadata value by the amount of time the pixels are visible on the display (fig. 4A-4F; col. 7, lines 9-30; col. 14, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Blumenau in the invention of the modified Lynn in order to determine as to whether and for how long the content display is fully or partially hidden by other displayed images. This information can be useful to indicate the amount of time that the content display was visible to an observer and to aid the content provider in determining which regions of a display screen the content is most likely to be unobstructed.

Claim 17 is rejected under the same rationale as claim 16.

Claim 24 is rejected under the same rationale as claim 16.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859) in view of Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), Crawford (U.S. Pat. No. 6,781,608), and Applicant Admitted Prior Art (AAPA).

Per claim 18, the modified Lynn teaches the image data frame of claim 14, but does not teach wherein the payload data comprises a red channel, a blue channel, a green channel, a Z-buffering channel, and an alpha channel. However, AAPA teaches the payload data comprises a red channel, a blue channel, a green channel, a Z-buffering channel, and an alpha channel (Page 6, lines 3-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of AAPA in the invention of the modified Lynn in order for a computer to process and to display a desired mix of colors for images on a computer screen.

(10) Response to Argument

Appellant's primary argument is that Lynn taken alone or in combination does not teach "each of the plural pixels including payload data...wherein said payload data comprises content for the pixel, " and "metadata comprises a value selected from a predefined set of values which classified the pixel independently for other pixels." The examiner does not agree because Lynn reads on the claimed language of each of the plural pixels including payload data...wherein said payload data comprises content for the pixel. In col. 3, lines 30-35 and col. 4, lines 15-20, Lynn teaches pixel coordinate locations of prizes. This indicates there are plural pixel coordinate locations (i.e. Appellant's plural pixels) and each of the plural pixels is relating to a prize (i.e.

appellant's payload data). In addition, Lynn teaches metadata comprises a value selected from a predefined set of values which classify the pixel independently for other pixels. In col. 1, lines 50-67, col. 3, lines 14-25, and col. 4, lines 10-24, Lynn teaches each pixel coordinate locations relating to a prize is stored separately from other pixel coordinate locations (i.e. non-winning pixel coordinate locations.)

In addition, the appellant points out cited prior arts do not teach the features of "a filter for obscuring the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value." The examiner does not agree because Humes teaches a filter for blocking the content of only a plurality of pixels that are forbidden without preventing the display of the content of the remaining pixels (see, col. 3, lines 5-9, *certain portions of the web page are being blocked. It is noted that the portions of the web page that are being blocked can contain plurality of pixels.)* Swift teaches a filter for detecting the content of a plurality of pixels that has a metadata value that exceeds a discretionary threshold value (*figs. 2 and 3; threshold 190; col. 3, lines 10-47*). Crawford teaches obscuring the content of image data (col. 1, lines 35-40). Accordingly, Humes, Swift, and Crawford in combination with Lynn teaches the features of a filter for obscuring the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Thanh T. Vu/

Examiner, Art Unit 2174

Conferees:

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174

/SY D. LUU/
Primary Examiner, Art Unit 2174